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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,368	08/23/2004	Beat Ammann	5002-1066	7132
466	7590	01/30/2006	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			ROSS, DANA	
			ART UNIT	PAPER NUMBER
			3722	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/505,368	<b>Applicant(s)</b> AMMANN, BEAT	
	<b>Examiner</b> Dana Ross	<b>Art Unit</b> 3722	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                              |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/23/04</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 23 August 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Drawings***

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

See Applicant's disclosure, page 3, lines 4-6 and lines 11-12.

The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 1-2 are objected to because of the following informalities: The claims are replete with minor grammatical errors. For example, claim 1, line 6 states "and the said moving part". This should be "and [the] said moving part". Claim 2, line 3 states "of the said flange". This should be "of [the] said flange".

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The above are examples only. Applicant is required to review all claims to ensure proper grammatical use of terminology.

Appropriate correction is required.

***Specification***

4. The abstract of the disclosure is objected to because of grammatical errors found in the wording. For example, lines 4-5 states “..and the said moving part”. This should be “and [the] said moving part. Line 6 states “abovementioned toll-holding collet”. This should be “abovementioned tool-holding collet”. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: the disclosure on pages 3, lines 31 and 38 refers to the claims by numbers. Applicant is required to amend the specification to remove these references and to incorporate into the disclosure the subject matter of these claims that is necessary to the understanding of the invention.

Examiner notes that there are no headings found in the disclosure. For example, there is no heading for Cross-Reference to Related Applications. Examiner recommends adding:

*This is the 35 U.S.C. 371 National Stage of International Application PCT/IB03/00366, filed on February 4, 2003, which designated the United States of America.*

There is also no heading for “Field of Invention”, “Background of Invention”, “Summary of Invention”, “Brief Description of Drawings”, or “Detailed Description of Invention”,

*Claim Rejections - 35 USC § 112*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with lack of antecedent basis terminology. Applicant is required to review all claims to ensure proper antecedent basis with all claimed terminology.

The following are some examples:

Claim 1, line 1, “the moving part”, line 2, “the tool-holding collet”, line 4 “the air gaps”, line 7, “the same co-axial aperture”.

The above is not all inclusive, but is meant as examples only of the lack of antecedent basis terminology found in the claims.

Claim 1, line 14, it is not clear what “it” is referring to in the phrase “cause it to adopt an outward direction”.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 4,884,899 (Schwartzman, hereafter '899).

'899 teaches hydrostatic gas bearing assembly 1000 (see col.33, lines 11-18, for example) with a shaft (reference number 1005, for example) and collet (reference number 1114, for example) for holding a tool (see col. 36, lines 26-32, for example); with aerostatic bushes (see figure 5, reference number 84, for example) on cushions of air generated by a jet of compressed air (see abstract and col. 4, lines 3-28, for example) that circulates continuously along the air gaps between the aerostatic bushes (see figure 5, for example); the shaft extending outside of the spindle through the same co-axial aperture formed in a flange as that through which the tool holding collet projects from the spindle (see figure 20, for example); various directing means in the form of a shaped cap attached to the outside of the flange (see reference number 1200 of figure 20, col. 38, lines 23-33, for example) to form an outward direction of motion.

*Claim Rejections - 35 USC § 103*

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of '899.

AAPA teaches all aspects of claim 1 and 2 except for the cap (see Applicant's figure 1).

'899 teaches it is well known in the art to include an end cap to direct the flow of air (see figure 10, reference number 331, for example).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the spindle as taught by AAPA to include an end cap as taught by '899 for the purpose of directing the flow of air to prevent essentially all of the debris from entering the bearing or spindle housing (see '899, col. 4, lines 29-40, for example).

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*Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 571-272-4480. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dana Ross  
Examiner  
Art Unit 3722



dmr